

REMARKS

Claims 1-5, 8, 10-23, and 25-32, are all the claims pending in the application. Claims 7 and 24 have been canceled without prejudice or disclaimer. Reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

Oath/Declaration

The Examiner asserted that the declaration is defective because it incorrectly identifies the filing date of the Irish priority document # 970633 as “August 27, 1998” instead of --August 27, 1997--. This clerical error is corrected by the attached Supplemental Application Data sheet.

Rule 1.76(c) and MPEP § 601.05 note that a Supplemental Application Data sheet may be supplied to correct or update information in a previously submitted application data sheet, or an oath or declaration under 1.63 or § 1.67, except that inventorship changes are governed by § 1.48. Thus, this procedure may be used even if the application was not originally filed with an application data sheet. Accordingly, because there is no change in inventorship, the attached supplemental application data sheet is sufficient to correct the priority document filing date.

Specification

The Examiner objected to the specification as including informalities. The Examiner noted specific instances of informality in item 4, on pages 2-3, of the Office Action. Applicants have amended the specification to change “gell” and its variations to “fuse” and, therefore, believe that this objection has been overcome.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claims 1-5, 7, 8, and 10-31, as indefinite. The Examiner noted specific instances of alleged indefiniteness in item 6, on pages 3-4 of the Office Action.

With respect to “first substrate” and “a pair of belts”, Applicants respectfully traverse this rejection because the claim is not indefinite; it is merely broad. And breadth of a claim is not to

be equated with indefiniteness.¹ By reciting “scattering powder, granules or pellets ... onto a first substrate” and “leading the second substrate between a pair of belts”, claim 1 encompass both the configuration wherein the first substrate is one of the pair of belts (see Fig. 6, for example), and the configuration wherein the first substrate is part of the product, not one of the belts (see Figs. 1 and 10, for example). Claim 10 then narrows the claimed subject matter to the situation wherein the first substrate is one of the pair of belts. Accordingly, the definition of the claimed subject matter in such broad terms does not make claim 1 indefinite.

With respect to “material” as set forth in claim 3-5, Applicants respectfully traverse this rejection. Claims 3-5 depend from claim 25, which sets forth that at least one of the substrates is a “glass fibre matt material”. Claims 1, 2, and 25, do not set forth the term “material” when referring to anything other than the “glass fiber matt material”. It is thus clear that the “material” of claims 3-5 refers to the “glass fibre matt material” as set forth in claim 25.

With respect to claim 7, this rejection is believed to be moot.

With respect to claims 15 and 16, Applicants have amended the term “the thermoplastic material” so as to further define it as being that on one of the first and second substrates.

With respect to claim 17, Applicants have amended the claim to make it more clear that the basecoat-forming material is the thermoplastic scattered onto the first substrate, and the “applying heat” is the same as that set forth in claim 1. Further, with respect to “the saturation layer”, Applicants submit that there is adequate antecedent basis for this term. A “saturation layer” is set forth for the first time on line 3 of claim 17.

With respect to claim 19, Applicants respectfully traverse this rejection in part, and have amended in part to overcome it. Specifically, Applicants submit that the step of “scattering a first thermoplastic material onto a first belt” clearly is subject matter in addition to that set forth in claim 1. The paragraph describing “applying the first substrate over the thermoplastic material” has been amended to make it clear that it is a relationship between the new subject

¹ *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971).

matter and that previously set forth in claim 1. The last two paragraphs in claim 19 then further define the “scattering ... onto a first substrate” and “applying heat” of claim 1.

With respect to claim 20, Applicants respectfully traverse this rejection because claim 20 is not indefinite; it is merely broad. Claim 20 sets forth “scattering a third thermoplastics material over the saturation layer”, wherein the saturation layer was formed by heating to fuse the coatings previously applied. Further, claim 20 sets forth “leading the substrates between a pair of belts”, wherein the substrate now further includes the third scattered thermoplastics material. As noted on page 8, lines 24-26, the further layers may be heated by leading the substrate through the apparatus again, or through another similar apparatus arranged in series. Accordingly, the “pair of belts” used in claim 20 may be the same or a different pair of belts as that set forth in claim 1.

With respect to claim 24, this rejection is believed to be moot.

Claim Objections

The Examiner objected to claim 7 under Rule 1.75(c) as being of improper dependent form because the limitations therein are already set forth in claim 1. This rejection now is believed to be moot.

Claim Rejections - 35 U.S.C. § 102

The Examiner rejected claim 24 under §102(b) as being anticipated by US Patent 4,743,187 to Schermutzki (hereinafter Schermutzki). Applicants respectfully submit that this rejection is now moot.

Claim Rejections - 35 U.S.C. § 103

- The Examiner rejected claims 1-5, 7, and 10-31, under §103(a) as being unpatentable over US Patent 4,396,566 to Brinkmann et al. (hereinafter Brinkmann) in view of US Patent 4,510,201 to Takeuchi et al. (hereinafter Takeuchi) and Schermutzki and in view of US Patent 3,385,722 to Weaver et al. (hereinafter Weaver) and / or US Patent 2,960,727 to Bradshaw et al.

(hereinafter Bradshaw). Applicants respectfully traverse this rejection because the references fail to teach or suggest all the elements as set forth in Applicants' claims.

Claim 1 sets forth a method for manufacturing a floor covering comprising the steps of: scattering powder, granules or pellets of thermoplastic material onto a first substrate to form a first coating; applying a second substrate over the first coating; and scattering powder, granules or pellets of a thermoplastic material onto the second substrate, after the second substrate has been applied over the first coating, to form a second coating. Thus, the method includes a step of scattering powder, granules or pellets onto the second substrate after the second substrate has been applied over the first coating.

For example, as shown in Fig. 6, one embodiment of the present invention is a method for manufacturing a floor covering comprising: scattering powder, granules or pellets of a thermoplastic material, as at 4, onto a first substrate 3 to form a first coating; applying a second substrate 26 over the first coating; scattering powder, granules or pellets of a thermoplastic material, as at 28, onto the second substrate 26, after said second substrate has been applied over the first coating, to form a second coating; leading the thus coated substrates 3, 26 between a pair of belts 10, 11 of a low pressure double belt press 17; applying heat to fuse the coatings between the belts; smoothing the fused coatings between a pair of nipping rollers 15, 16; and cooling the layered product. Thus, because the second substrate is applied onto the first coating before the powder, granules, or pellets of thermoplastic are scattered thereon, two layers easily and accurately may be formed in one pass through the heating section.²

The Examiner relies on Schermutzki to teach a step of applying powder, granules or pellets onto a second substrate.³ But the Examiner's reliance on Schermutzki is misplaced. In contrast to that in claim 1, Schermutzki teaches either: simultaneously applying thermoplastic onto a second substrate and applying the second substrate onto a first coating; or applying thermoplastic onto a second substrate, and then applying the second substrate to the first coating to build up a layered product.

² Specification at page 4, lines 1-11.

³ Office Action at page 7, 2nd full paragraph.

In Figs. 1 and 2, Schermutzki discloses a feeder device 6 that applies powder to an upper belt 1, another feeder device 8 that applies resin to the lower belt 2, and that the softened resin layers on belts 1 and 2 arrive in the pressing zone 3 wherein they are contacted with the glass fiber mat 4.⁴ In such a situation, powder, granules or pellets of a thermoplastic material are not applied onto the second substrate 4. That is, although powder is fed from feeder device 6, it is heated and melted so as to form a soft resin layer by the time it contacts with fiber mat 4. Further, the melted resin on belt 1 is not applied to the fiber mat 4 after the fiber mat 4 has been applied over, or contacted with, the first coating; the coatings on belts 1 and 2 contact the fiber mat 4 at the same time, i.e., when they enter the compressing zone 3.

In Figs. 3-5, each of the substrates 4, 4a, 4b, 4', and 4a', has material (either powder or melted powder) applied thereto before it comes in contact with the layer below. Accordingly, none of substrates 4, 4a, 4b, 4', and 4a', are a second substrate onto which powder, granules or pellets are scattered after that substrate has been applied over a first coating, as set forth in claim 1.

In light of the above, Schermutzki fails to teach or suggest that which the Examiner asserts it does. Namely, Schermutzki fails to teach or suggest a step of scattering powder, granules or pellets of a thermoplastic material onto the second substrate, after the second substrate has been applied over the first coating.

The Examiner cites Takeuchi as teaching a floor covering using thermoplastic particles on both sides as an alternative to having thermoplastic on only one side. But Takeuchi does not teach or suggest a step of scattering powder, granules or pellets of a thermoplastic material onto the second substrate, after the second substrate has been applied over the first coating.

The Examiner cites Bradshaw and Weaver as teaching smoothing using a pair of rollers and cooling a layer. But neither Bradshaw nor Weaver teaches or suggests a step of scattering powder, granules or pellets of a thermoplastic material onto the second substrate, after the second substrate has been applied over the first coating.

⁴ Schermutzki at col. 3, line 57 - col. 4, line 25.

In light of the above, even assuming that one of ordinary skill in the art were motivated to combine the references as suggested by the Examiner, any such combination would still not teach or suggest a step of scattering powder, granules or pellets of a thermoplastic material onto the second substrate, after the second substrate has been applied over (or contacted with) the first coating, as set forth in claim 1.

For at least any of the above reasons, claim 1 is not rendered obvious by the Examiner's suggested combination of references. Likewise, dependent claims 2-5, 7, 10-23, and 25-31 are not rendered obvious by these references.

- The Examiner rejected claim 8 under §103(a) as being unpatentable over Brinkmann in view of Takeuchi and Schermutzki and in view of Weaver and/or Bradshaw, and further in view of US Patent 4,997,507 to Meyer (hereinafter Meyer) and US Patent 3,883,386 to Garbini et al. (hereinafter Garbini). Applicants respectfully traverse this rejection because the references fail to teach or suggest all the elements as set forth in their claim.

Because this rejection is based on Brinkmann, Takeuchi, Schermutzki, Weaver and/or Bradshaw, Applicants' comments as set forth above are pertinent here and, therefore, are incorporated by reference thereto. Further, both Meyer and Garbini fail to teach or suggest anything that cures the above-noted deficiencies in the Examiner's attempted combination of Brinkmann, Takeuchi, Schermutzki, Weaver and/or Bradshaw.

- The Examiner rejected claims 13-17, 19, and 20, under §103(a) as being unpatentable over Brinkmann in view of Takeuchi and Schermutzki and in view of Weaver and/or Bradshaw, and further in view of the admitted prior art as set forth in the specification at page 1, line 9 to page 2, line 2 (hereinafter the APA). Applicants respectfully traverse this rejection because the references fail to teach or suggest all the elements as set forth in their claim.

Because this rejection is based on Brinkmann, Takeuchi, Schermutzki, Weaver and/or Bradshaw, Applicants' comments as set forth above are pertinent here and, therefore, are incorporated by reference thereto. Further, the APA fails to teach or suggest anything that cures the above-noted deficiencies in the Examiner's attempted combination of Brinkmann, Takeuchi, Schermutzki, Weaver and/or Bradshaw.

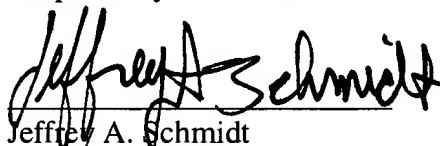
Conclusion

New claim 32 has been added to further define the invention. Claim 32 depends from claim 1 and, therefore, should be allowable at least by virtue of its dependency. Further, claim 32 is allowable because it recites that the step of applying powder, granules or pellets onto the second substrate comprises scattering powder, granules or pellets of a thermoplastic material onto the second substrate, after the second substrate has been contacted with the first coating. This feature is not taught or suggested by the references applied by the Examiner.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Jeffrey A. Schmidt
Registration No. 41,574

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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